

## **RAILROAD SAFETY ADVISORY COMMITTEE CHARTER**

### **1. COMMITTEE'S OFFICAL DESIGNATION**

The committee's official designation is the Railroad Safety Advisory Committee (RSAC).

### **2. AUTHORITY**

- a. The committee is renewed under the authority of the U.S. Department of Transportation (DOT), established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, Title 5 U.S.C. App. 2.
- b. The formation and use of RSAC are determined to be in the public interest in connection with the performance of duties imposed on the Secretary, and delegated to the Federal Railroad Administration (FRA) Administrator (the Administrator), by the Federal railroad safety statutes (49 U.S.C. Sections 20101–21311). *See* Memorandum of the President titled, "Regulatory Reinvention Initiative" (March 4, 1995), and § 6(a) of Executive Order 12866 (Sept. 30, 1993).

### **3. OBJECTIVE AND SCOPE OF ACTIVITIES**

- a. The Administrator, or his or her designee, shall present the RSAC with tasks on matters relating to railroad safety, including security. The committee shall act solely in an advisory capacity. Through FRA, the RSAC will make recommendations to the Secretary regarding rail safety.
- b. All interested segments of the railroad industry and the public will be represented on the committee, allowing FRA-affected entities and the public to have a more direct role in shaping FRA's regulatory program. The committee will allow management, labor, FRA, the Transportation Security Administration (TSA), and other interested parties to cooperatively address safety and security problems by identifying the best solutions based on agreed-upon facts, and where regulation appears necessary, identify regulatory options to implement these solutions.

### **4. DESCRIPTION OF DUTIES**

The committee will address tasks from the Administrator on critical safety issues by providing advice for regulatory development through the collaborative rulemaking process. This process fully involves our affected entities, makes the best use of resources, and accommodates the rapidly evolving changes in the rail transportation industry. By harnessing the combined wisdom, resources, and experience of railroad industry experts who have the greatest knowledge and interest in promoting rail safety, including security, FRA is able to leverage its resources to produce rules that are more responsive, flexible, and better accepted by those required to implement them.

**5. AGENCY OR OFFICAL TO WHOM THE COMMITTEE REPORTS**

This committee reports and makes recommendations to the Administrator. The Administrator is the sponsor of the committee and accepts or rejects recommendations produced by the committee.

**6. SUPPORT**

FRA's Office of Railroad Safety will provide necessary funding, logistics, and administrative support for the committee.

**7. ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS**

It is estimated that the committee's operating costs during Fiscal Years 2016 and 2017 will be \$285,000 annually, plus salary and expenses for approximately two to three support staff directly involved with the committee. FRA's Office of Railroad Safety and Office of Chief Counsel shall provide staff support as necessary for the committee.

**8. DESIGNATED FEDERAL OFFICER**

- a. FRA's Office of Railroad Safety shall appoint a full-time Federal employee to serve as the RSAC coordinator and act as the Designated Federal Officer (DFO) for this advisory committee, and shall ensure that administrative support is provided for all activities.
- b. The DFO, in consultation with the Chairperson, shall be responsible for:
  - (1) Approving or calling meetings, with the approval of the sponsor, of the advisory committee;
  - (2) Formulating and approving the agenda for each meeting, which will be approved in advance by the sponsor and published in the Federal Register, in accordance with the provisions in Section c, below;
  - (3) Notifying all members of the time, place, and agenda for any meeting;
  - (4) Maintaining all committee files and records;
  - (5) Attending all committee and subcommittee meetings;
  - (6) Adjourning any meetings when the DFO determines it is in the public interest do so;  
and
  - (7) Chairing meetings when directed to do so by the Administrator.
- c. Timely notice of committee meetings must be published in the Federal Register at least 15 calendar days before the meeting.



**9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS**

- a. The committee will meet approximately every 3 to 4 months as progress on assigned tasks dictates for a total of three to four times per year.
- b. Each meeting shall be open to the public. Persons wishing to appear before the committee must make prior arrangements to do so. Written materials may be submitted to the committee at any time. Each meeting will be held at a reasonable time; in a place reasonably accessible to the public; and in a room large enough to accommodate the committee members, staff, and interested members of the public. Meetings may be closed to the public only as authorized by § 10(d) of FACA, as implemented by Title 41 Code of Federal Regulations (CFR) Parts 101-6 and 102-3, the Government in the Sunshine Act (5 U.S.C. § 552b(c)), and DOT Order 1120.3B.

**10. DURATION**

The RSAC is a continuing committee, subject to renewal every 2 years.

**11. TERMINATION**

This charter shall terminate 2 years after its effective date unless renewed in accordance with FACA and other applicable requirements.

**12. MEMBERSHIP AND DESIGNATION**

- a. The committee will be composed of approximately 63 representative members who will serve in a representative capacity from 37 member organizations representing various rail industry perspectives, 2 associate representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, and other diverse groups.
- b. Staff (regular Government employees) of TSA, the National Transportation Safety Board, and the Federal Transit Administration will also participate in an advisory capacity.
- c. The number of seats assigned to each member organization will be allocated to include a balanced representation of interests, including railroad management and labor.
- d. The committee will have sufficient diversity to ensure the requisite range of views and expertise necessary to discharge its responsibilities. The membership on the committee will be fairly balanced with points of view representative of the railroad community, including those of railroad owners, manufacturers, labor groups, State government groups, and public associations.
- e. The agencies with regulatory responsibility for railroad safety in Canada and Mexico will be extended associate memberships with no voting rights.

- f. The members of the committee will be designated by the Administrator from nominees received from the organizations listed in the attachment to this charter.
- g. Members of the committee who are not full-time employees of the U.S. Government serve without compensation.
- h. Members of the committee who are full-time employees of the U.S. Government serve without additional compensation but may be allowed transportation and per diem in lieu of subsistence and other expenses, in accordance with the DOT civilian travel regulations.

### **13. SUBCOMMITTEES**

FRA shall be authorized to establish subcommittees. Subcommittees shall not work independently of the chartered RSAC and shall report all of their recommendations and advice to the full RSAC for deliberation and discussion. Subcommittees must not provide advice or work products directly to FRA or DOT.

### **14. RECORDKEEPING**

- a. The records of the committee, formally and informally established subcommittees, and other subgroups of the committee shall be handled in accordance with General Records Schedule 6.2, and other approved agency records disposition schedules.
- b. Minutes must be kept of each committee meeting and include the following:
  - (1) Time, date, and place of the meeting;
  - (2) A list of all attendees at the meeting;
  - (3) A summary of matters discussed and conclusions reached;
  - (4) Copies of all reports received, issued, or approved by the committee;
  - (5) A description of the extent to which the meeting was closed to the public, if authorized under 41 CFR § 102-3.155; and
  - (6) A description of public participation, including a list of the members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting.
- c. These records shall be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. § 552) and DOT's regulations governing the protection of sensitive security information (49 CFR Part 15). The records, reports, transcripts, minutes, and other documents that are made available to or prepared for or by

the committee are available for public inspection at [www.regulations.gov](http://www.regulations.gov) under Docket Number FRA-2000-7257.

**15. FILING DATE**

This committee is effective May 16, 2016, which is the filing date of this renewed charter. The committee will remain in existence for 2 years after this date unless sooner terminated or renewed.